

Application No.: 10/729,718

7

Docket No.: 559502000700

REMARKS

Claims 1-11 were pending in the present application. By virtue of this response, claims 1-7 and 9-11 have been cancelled, claim 8 has been rewritten as an independent claim incorporating limitations of cancelled claims 1 and 5, and new claims 12-23 have been added. Accordingly, claims 8 and 12-23 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Objection to Claim 8:

Applicant thanks Examiner for recognizing the allowability of claim 8, if recast as an independent claim incorporating all the limitations of claims from which it depends. Claim 8 depended from claim 5, which in turn referenced now cancelled claim 1. Limitations of original claims 1 and 5 have been incorporated into claim 8, which is now independent and therefore in condition for allowance. Applicant requests that the objection against claim 8 be withdrawn.

Rejections under 35 U.S.C. §102(a)

The Office has rejected claims 1-3, 5 and 6 as allegedly being anticipated by Nakajima et al. (EP 1109170 A3). Nakajima appears to disclose "[a] first data line (DL) is connected to a first end of the first tunnel junction portion. A second data line (/DL) is connected to the first end of the second tunnel junction portion. A bit line (BL) is connected to the second end of the first tunnel junction portion and the second end of the second tunnel junction portion via the switch."

In response, Applicant has cancelled claims 1-3, 5, and 6 and provided new independent claims 12 and 17. Claim 12 recites, in part, "one of a source and a drain of a transistor coupling with the first bit line and the other of the source and the drain coupling with the second bit line," which Nakajima does not appear to disclose. Support for this recitation may be found at Figure 7 and description related thereto. Claim 17 recites, in part, "a first global bit line coupling with the second bit line of the first memory cell and the first bit line of the second memory cell," which

pa-952726

Application No.: 10/729,718

8

Docket No.: 559502000700

Nakajima does not appear to disclose. Support for this recitation may be found at Figure 12 and description related thereto. Claims 13-16 depend from claim 12 and claims 18-23 depend from claim 17. Claims 13-16 and 18-23 were not narrowed compared with claim scope of original claims beyond amendments effected in respective independent claim 12 and claim 17; rather, these claims were provided so that correct antecedent basis and consistency is maintained with respect to new independent claims 12 and 17.

Rejections under 35 U.S.C. §102(e)

The Office has rejected claims 1-3, 5 and 11 as allegedly being anticipated by Asano et al. (US-2002/0136053).

In response, claims 1-3, 5 and 11 have been cancelled.

Rejections under 35 U.S.C. §103(a)

The Office has rejected claim 4 as allegedly being unpatentable over Asano et al. (US-2002/0136053) in view of Lu et al. (US-2004/0037106).

Claims 4 and 7 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima et al. (EP 1109170 A3) in view of Lu et al. (US-2004/0037106).

In response, claims 4 and 7 have been cancelled.

Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Asano et al. (US-2002/0136053).

In response, claims 9 and 10 have been cancelled.

pa-952726

Application No.: 10/729,718

9

Docket No.: 559502000700

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw each outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 559502000700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 15, 2005

Respectfully submitted,

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pa-952726